

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of:

Northeast Auto Parts, Inc.
560 W Sargent Road
Beatrice, NE 68310

) Docket No. CAA-07-2003-0033
) CLEAN AIR ACT
) 42 U.S.C. § 7401 et seq.

ADMINISTRATIVE COMPLIANCE ORDER

An authorized representative of the EPA inspected Northeast on June 17, 2002. There was no certified recovery or recycling equipment on the premises. In addition, there were no warning signs posted in plain view notifying suppliers that refrigerant must be properly recovered prior to disposal. There are no records of signed statements obtained from any person or business entity who previously recovered the refrigerant or the date the refrigerant was recovered.

Pursuant to Section 113(a)(3)(B) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3)(B), as amended, Northeast is hereby ordered by the EPA to comply with the requirements of Sections 608(a) and 609 of the Act, 42 U.S.C. §§ 7671g and 7671h, and the National Recycling and Emissions Reduction Rule, promulgated thereunder, and codified at 40 C.F.R. Part 82, Subpart B §§ 82.34(a) and 82.42(a), Subpart F §§ 82.156(f)(2) and (3), and 82.166(i) and (m). Specifically, EPA orders Northeast to comply with the provisions of 40 C.F.R. Part 82 as outlined below within 30 days of the effective date of this Order. Certify, in writing, to the Administrator that Northeast has:

1. Complied with §§ 82.34(a) and 82.42(a) by obtaining approved recovery/recycle equipment; or
2. Complied with § 82.156(f)(2) by including, in the signed statement, the name and address of the person or business entity who recovered the refrigerant in accordance with the regulations and the date the refrigerant was recovered. Provide a copy of the signed statement.
3. Complied with § 82.156(f)(3) by using either warning signs or letters to notify suppliers that refrigerant must be properly recovered using certified recovery or recycling equipment prior to disposal. Provide a copy of a photograph of the warning sign or a copy of the letter.
4. Is maintaining records in accordance with § 82.166(i) and (m).

Section 113(a)(3)(B) of the Act grants EPA the authority to issue an Order to Comply to any person found in violation of Subchapter VI of the Act and the regulations promulgated pursuant thereto.

Failure to comply with any of the provisions of this Order may result in an enforcement action under § 113 of the Act, 42 U.S.C. § 7413. Under § 113(a) of the Act, the Director is authorized to address such a violation as follows:

- a. Issue an administrative penalty order assessing a civil penalty not to exceed \$27,500 per day of violation;
- b. Bring a civil action for permanent or temporary injunction, or to recover a penalty not to exceed \$27,500 per day of violation, or both; or
- c. Request the Attorney General to commence a criminal action pursuant to Section 113(c) of the Act.


Issuance of this Order does not preclude the State of Nebraska or EPA from assessing penalties or taking any other action authorized under the Act. This Order does not affect the obligation of Northeast to comply with all federal, state and local statutes, regulations and permits.

This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, Northeast requests a conference with EPA. In such event, the effective date of the Order shall be extended until the date of such conference or to a time established by EPA. To request such a conference, contact Henry F. Rompage, Attorney, Office of Regional Counsel, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone 913-551-7280.

All information and documents submitted by Northeast to EPA pursuant to this Order shall be subject to public inspection unless identified as confidential by Northeast in accordance with the requirements of 40 C.F.R. Part 2. Information and documents so identified will be disclosed only in accordance with the provisions of 40 C.F.R. Part 2.

Date

12/2/02


William A. Spratlin, Director
Air, RCRA, and Toxics Division